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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/246.784 02/01/99 BROWN

A 4156.78504

EXAMINER

MM42/1018

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ART UNIT PAPER NUMBER

2862  
DATE MAILED:

10/18/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/246,784**

Applicant(s)  
**Brown**

Examiner  
**Donald McElheny, Jr.**

Group Art Unit  
**2862**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 14-44 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 14-44 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2862

1. Claims 1-13 were canceled by applicant.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25 and 26 recite the limitation "the first and second housings". There is insufficient antecedent basis for this limitation in these claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 24 is rejected under 35 U.S.C. 102(a) & (e) as being clearly anticipated by Germanton et al. (5,499,024).

6. Claims 24, 40, 41, 43 and 44 are rejected under 35 U.S.C. 102(a) & (e) as being clearly anticipated by Allison et al. (5,517,193).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allison et al. (5,517,193).

Claim 42 makes use of a voice command apparatus to input the threshold value. The use of voice recognition devices for input of data to computers, and any associated electronic devices in general, was so notoriously well known at the time of the filing of the instant application as to not involve the concept of invention to incorporate such devices since one skilled in the computer arts routinely decides to arbitrarily select among such well known types of data input devices where they are deemed preferential, such as avoiding use of keyboards. Thus it would have been an obvious design choice to include such an input device for inputting any of the user supplied data into the Allison et al. system.

9. Claims 14-23, and 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allison et al. (5,517,193).

Allison et al. is considered to outright meet most, if not all, of these claims. However, some features which are not explicitly mentioned or discussed using the same language as found in the claims are nevertheless considered inherent or so notoriously well known in the art and routinely employed as to not involve the concept of invention. For example, inherently the weather sensor device(s) or source(s) have some housing for their data gathering system and a weather station unit may be employed having a plurality of standard weather sensors in the same

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housing unit, and such stations may notoriously employ any of the variety of standard wired or wireless transmission methods available to transfer the weather data to the main unit for further analysis thereupon. Also, the term "local" is subjective to interpretation as to exactly what "local" implies and requires, since it may be a distance of a few feet to a local city area or local state weather, etc. Whatever interpretation is considered met by this and other cited prior art. Also, the phrase and intent of "prediction of a potential local weather condition" is also subjective to interpretation, but nevertheless again is considered met as Allison et al. teach taking gathered weather related data from various sources in the "local" community as well as from the immediate main station area and upon analysis of such taking into account the historical related model data will make a determination and alert (i.e. "prediction") of whatever weather affected conditions are being monitored and an alert to the user or community is to be generated. Also, the plural housings are clearly separate from one another (e.g. claim 20). Also, a power supply and related connection structure are inherently required in the main system computer, and as was notoriously well known in the computer and electronic arts the use of battery backup (e.g. claim 21) for substitution when main line power fails was of such rudimentary common knowledge as to not involve the concept of invention and Official Notice is so given. Likewise the use of signal strength meters (e.g. claims 27, 28) for indication of receiver signals is of such common knowledge and would have been either inherent in any possible weather data receiver used or of such obvious arbitrary choice to select and incorporate as to not involve the concept of invention and Official Notice is again given. The selection of the type of weather condition and appropriate

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sensor are also of such arbitrary common choice in weather reporting stations as to be obvious to select and incorporate whatever the user desires to be monitored, including not only temperature and barometric pressure, but humidity, well known cloud cover sensors (i.e. ambient light), windspeed, rainfall or snowfall, static charge as used in well known lightning detection systems, and any other weather parameter could have been incorporated into the Allison et al. system whether or not such was explicitly mentioned by this reference. And as for voice command entry of user input data, the same reasoning as discussed supra applies here since such data entry devices are of such common knowledge and arbitrary selection from the many known and readily available data entry devices. Also, for many of these various devices and features discussed above, applicant's own specification offers nothing critical in such the selection of such devices for combination with the disclosed system and makes use of them for their well known expected purposes and reasons and thus cannot possibly offer any unexpected and unobvious results.

10. Since applicant's independent and main claims clearly do not contain patentable subject matter, and because of the multitude of diverse subject matter in various combinations in the dependent claims, each of the various combinations and subcombinations of the dependent claims can therefore be argued to support distinct combinations (i.e. distinct inventions) having subject matter which the other combinations do not require. Applicant is therefore required to select and elect which of the claimed combinations or species they wish to pursue for further prosecution and point out which group of claims read thereupon and which figure supports such group.

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Failure to so elect will result in this application being held abandoned or the response as non-responsive.

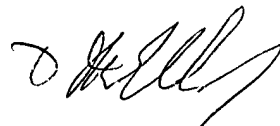
Applicant is also invited to state for the record why the instant application's claims are distinct and unobvious from those issued in the parent application. Otherwise a terminal disclaimer may be appropriate and required.

11. The remaining cited prior art is pertinent in showing the various claimed features, such as wireless transmission in weather data gathering stations, monitoring and analyzing gathered weather data for conditions in which an alert is desired.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald McElheny Jr., whose telephone number is (703) 305-3894.

Fax transmissions may be directed to (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



**DONALD E. McELHENY, JR.**  
**PRIMARY EXAMINER**